THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.27079 OF 2006

DATED: 19-02-2007

BETWEEN

Gumparlapati Sandhya Rani,
W/o. Mallikarjuna Achari,
R/o. D.No.12/399,
Near Gupthapark,
Narayanaraopeta,
Nellore District.

...PETITIONER

AND

T. Vijaya Krishna,
Sub-Inspector of Police,
Balaji Nagar P.S.,
Nellore District
and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in coming to her house frequently and interfering with the personal life and liberty of her family members as illegal and arbitrary.

2. Learned counsel for the petitioner submits that the husband of the petitioner was a gold appraiser in Andhra Pragathi Grameena Bank, Srinivasa Agraharam Branch, Nellore; while so, on 04.11.2006 the sixth respondent, the manager of the said bank, came to the house of the petitioner along with other respondents 1 to 3 and 7 and threatened her with dire consequences stating that her husband had given bogus false certificates to the loanees, who obtained gold loans to the tune of Rs.20.00

lakhs by pledging duplicate gold and demanded her to return the gold ornaments and cash. Thereafter,

a criminal case was registered vide Cr.No.135 of 2006 against her husband and others on 10.11.2006. It is stated that the respondents without any manner of authority and jurisdiction are coming to the house of the petitioner day-in and day-out and threatening the petitioner and her family members and interfering with their personal life and liberty.

3. Counter has been filed stating based on the complaint dated 07.11.2006 lodged by the sixth respondent, on the aforesaid allegations, against the husband of the petitioner, a case in Cr.No.135 of 2006 under Sections 409, 420 and 120-B of the Indian Penal Code, 1860 was registered and investigation has been taken up. It is stated that the husband of the petitioner is absconding since the date of commission of offence and his whereabouts are not known till date.

It is stated that, in fact, the petitioner sent a representation dated 18.11.2006 through post to the Superintendent of Police making allegations against respondents 1, 6 and 7 and the same was forwarded to the third respondent for enquiry and report. The third respondent conducted detailed enquiry and submitted report on 16.12.2006 wherein it was revealed that the contents of the representation put by the petitioner are fictitious and baseless.

The petitioner to divert the attention of the Investigating Agency, with an intention to protect her husband, has filed the said representation.

4. In view of the aforesaid facts and circumstances of the case,

I am of the opinion that if there is an excessive action on the part of the respondents and if the personal life and liberty of the petitioner is interfered with, it is always open for her to file a private complaint before the concerned Magistrate for taking appropriate action;

but, prima facie, I do not see any illegality committed by the respondents and the writ petition is devoid of any merits.

The writ petition is accordingly dismissed. There shall be no order as to costs.

V. ESWARAIAH, J

February 19, 2007
DSK